

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-139607-001 DT

07/16/2014

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

KRISTIN SHERMAN

v.

JUSTIN OTIS MCMAHAN (001)

TERRY LYNN LOVETT BUBLIK
GARRETT W SIMPSON

DOB: 08/25/1981

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:19 a.m.

Courtroom SCT 5B

State's Attorney:	Kristin Sherman
Defendant's Attorney:	Garrett W. Simpson and Terry L. Bublik
Defendant:	Present

Court Reporter, Laura Ashbrook, is present.

A record of the proceeding is also made by audio and/or videotape.

This is the time set for Sentencing.

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Count(s) 1-5: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1: First Degree Murder

Class 1 Dangerous Felony

A.R.S. § 13-1101, 13-1105, 13-701, 13-702, 13-751, 13-752, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2: Attempted Armed Robbery

Class 3 Dangerous Felony, with one prior dangerous felony conviction

A.R.S. § 13-1001, 13-1904, 13-1901, 13-1902, 13-701, 13-702, 13-704 , and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 3: Attempted Kidnapping

Class 3 Dangerous Felony, with one prior dangerous felony conviction

A.R.S. § 13-1001, 13-1304, 13-1301, 13-701, 13-702, 13-704, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 4: Burglary in the First Degree

Class 2 Dangerous Felony, with one prior dangerous felony conviction

A.R.S. § 13-1501, 13-1507, 13-1508, 13-701, 13-702, 13-704, and 13-801

Date of Offense: July 17, 2014

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 5: Misconduct Involving Weapons

Class 4 Felony, with two prior felony convictions

A.R.S. § 13-3101, 13-3102, 13-3105, 13-701, 13-702, 13-703, and 13-801

Date of Offense: July 17, 2012

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: Natural Life from July 16, 2014

Presentence Incarceration Credit: 720 day(s)

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Presumptive

Sentence is concurrent with CR2001-097576.

Count 2: 20 calendar year(s) from completion of sentence in Count 1

Presentence Incarceration Credit: 0 day(s)

Maximum

This sentence is to be consecutive to Count 1.

Count 3: 20 calendar year(s) from completion of sentence in Count 2

Presentence Incarceration Credit: 0 day(s)

Maximum

This sentence is to be consecutive to Count 2.

Count 4: 28 calendar year(s) from completion of sentence in Count 3

Presentence Incarceration Credit: 0 day(s)

Maximum

This sentence is to be consecutive to Count 3.

Count 5: 15 year(s) from completion of sentence in Count 4

Presentence Incarceration Credit: 0 day(s)

Maximum

This sentence is to be consecutive to Count 4.

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Armed Robbery, a class 2 dangerous felony committed on May 9, 2001 and convicted on January 11, 2002 in Maricopa County Superior Court Cause No. CR2001-092551.

Attempt to Commit Taking the Identity of Another, a class 6 non-dangerous felony committed on October 30, 1999 and convicted on January 11, 2002 in Maricopa County Superior Court Cause No. CR2001-097576.

The Defendant was represented by counsel.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$4,782.77 to the following victim(s) in the following amounts:

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Lynn Jacobsen (Individual) \$2,372.00

Insurance Co. (name to be provided by MCAO) (Business) \$2,410.77

Restitution ledger provided; priority of payment as stated in the restitution ledger.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count(s) 1-5 - Waived due to length of imprisonment in this cause number.

IT IS ORDERED granting the Motion to Dismiss the following: Notice of Intent to Seek Death Penalty; the State will not file Theft of Credit Card, Taking Identity of Antother, Forgery or Fraudulent Schemes charges against Defendant related to cards located in search warrant of this case.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under this cause number.

9:34 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOSEPH KREAMER
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)